

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Eolas Technologies Incorporated,

Plaintiff,

VS.

**Adobe Systems Inc., Amazon.com, Inc.,
Apple Inc., Argosy Publishing, Inc.,
Blockbuster Inc., CDW Corp.,
Citigroup Inc., eBay Inc., Frito-Lay, Inc.,
The Go Daddy Group, Inc., Google Inc.,
J.C. Penney Company, Inc., JPMorgan
Chase & Co., New Frontier Media, Inc.,
Office Depot, Inc., Perot Systems Corp.,
Playboy Enterprises International, Inc.,
Rent-A-Center, Inc., Staples, Inc., Sun
Microsystems Inc., Texas Instruments Inc.,
Yahoo! Inc., and YouTube, LLC**

Defendants.

Civil Action No. 6:09-CV-00446-LED

**PLAINTIFFS' NOTICE OF ISSUES
TO BE TRIED TO THE BENCH**

Pursuant to the Court's Docket Control Order Plaintiffs The Regents of the University of California and Eolas Technologies Incorporated (collectively "Plaintiffs") respectfully submit this notice of issues to be tried to the bench. Plaintiffs identify the following issues as issues to be tried to the bench:

1. Defendants' Inequitable Conduct Claim
2. Defendants' License Defense
3. Defendants' Laches Claim (if Defendants are maintaining this claim, even though Plaintiffs are not seeking pre-suit damages)

Plaintiffs additionally propose that the license issue be resolved based upon the already-filed license related briefing on the motions for summary judgment as opposed to filing findings of fact / conclusions of law on the issue that would substantively be duplicative of the already-filed briefing.

Dated: January 5, 2012.

McKool Smith, P.C.

/s/ Mike McKool

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AND THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services on January 5, 2012. Local Rule CV-5(a)(3)(A).

/s/ John B. Campbell
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